

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEREMY DAVIS WING,

Defendant.

CR-19-27-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 14, 2023. (Doc. 137.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on February 13, 2023. (Doc. 133.) The United States accused Jeremy Davis Wing, (Wing) of violating his conditions of supervised release 1) failing to report for substance abuse testing on two separate occasions; 2) by using methamphetamine; 3) by using Klonopin; and 4) by consuming alcohol. (Doc. 130.)

At the revocation hearing, Wing admitted that he had violation the terms of his supervised release 1) by using methamphetamine; and 2) by consuming alcohol. The Court dismissed alleged violations 1, 3 and 5 on the government's motion. (Doc. 133.) Judge Johnston found that the violations Wing admitted to be serious and warranted revocation, and recommended revocation of Wing's supervised release and recommended a custodial sentence of 1 year and 1 day, with no supervised release to follow. (Doc. 137.) Wing was advised of his right to appeal and his right to allocute before the undersigned and he waived those rights. (Doc. 133.) The violations prove serious and warrant revocation of Wing's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 137) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Jeremy Davis Wing be sentenced to the Bureau of Prisons for 1 year and 1 day, with no supervised release to follow.

DATED this 16th day of February, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court